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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,498	07/25/2003	Gregory A. Steinlage	15-XT-6176 (GEMS-A 0130)	1497
27256	7590	12/28/2005	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH RD. SUITE 250 SOUTHFIELD, MI 48034			ARTMAN, THOMAS R	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/604,498

Applicant(s)

STEINLAGE ET AL.

Examiner

Thomas R. Artman

Art Unit

2882

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 10, 13 and 20.
Claim(s) objected to: _____.
Claim(s) rejected: 1-9, 11, 12, 14-16, 18, 19 and 22-26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Craig E. Church
Primary Examiner

Thomas R. Artman
Patent Examiner

Continuation of 3. NOTE: the limitations added to claim 25 regarding "systematically and actively" oxidizing the surface requires further consideration, as does the limitation added to claims 11 and 26. Furthermore, the limitation added to claims 11 and 26 is rejectable additionally over Warren (US 6,390,875 B1), as applied to claim 22 in the final rejection .

Continuation of 11. does NOT place the application in condition for allowance because: The examiner has considered applicants arguments and respectfully disagrees on all points.

First, regarding the definition of "integrally formed", the examiner must rely upon the plain meaning of the terms provided in the dictionary as cited in the final rejection, and therefore, the rejections stand.

Second, regarding the motivation to combine Takahata with Klostermann '126 is not the same as Applicants, this is not necessarily true, and more to the point, is irrelevant. A stainless steel sleeve will provide corrosion resistance, which is inherent. Also, stainless steel is used quite commonly in vacuum environments for a variety of corrosive applications, such as thin film deposition vacuum housings as well as X-ray tube vacuum envelopes (as evidenced by Warren (US 6,390,875 B1) and others made of record). Stainless steel is also very strong and can withstand high stresses and is used in linkages for rotating anodes (see Klostermann '774, previously made of record). Furthermore, and perhaps most importantly, the explicit motivation in Takahata is for the reduction of eddy currents that cause vibrations during rotor motion. At the thousands of revolutions per minute that an X-ray tube rotor spins, such a modification would be most advantageous.

Third, and finally, regarding the analogousness of Takahata, the examiner asserts, as in the case of Marioni (US 6,538,353 B2, used in prior rejections), that each are analogous for their teachings. Both are classified in class 310, which is motor structure per se, and is cross-referenced by the US classification system from class 378/131, which is the classification of the current application. When one designs an X-ray tube, there are also considerations of cooling, which would make one skilled in the art review cooling systems, into which the application of Takahata's motor applies. The same is true of the water pump application of the electric motor of Marioni, where it is used in cooling technologies where fluid pumps are used, as well as a good resource to review corrosion resistance methods in electric motors. As a final note regarding analogousness, the production system under which an examiner performs their job forces a certain element of practicality. The examiner cannot look at every possible prior art resource for every possible prior art reference. Time is of the essence, as it is for one skilled in the art when designing a new product. The examiner must quickly find analogous art in the most reasonable resources. Accordingly, with search terms taken directly from Applicants' claims (examples of which are viewable on the examiner's search notes in public PAIR) and using the guidelines provided in the USPTO subclass definition for the most relevant subclass (378/131), the prior art made of record has been found in a reasonable amount of time.